## Order

Entered: November 2, 2004

ADM File No. 2004-43

Amendment of Rule 7.204 of the Michigan Court Rules

## Michigan Supreme Court Lansing, Michigan

Maura D. Corrigan Chief Justice

Michael F. Cavanagh Elizabeth A. Weaver Marilyn Kelly Clifford W. Taylor Robert P. Young, Jr. Stephen J. Markman Justices

On order of the Court, the need for immediate action having been found, the notice requirements are dispensed with and the following amendment of Rule 7.204 of the Michigan Court Rules is adopted, effective immediately. MCR 1.201(D). The amendment will be considered at a future public hearing by the Court. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

[Additions are indicated by underlining.]

Rule 7.204 Filing Appeal of Right; Appearance

- (A) Time Requirements. The time limit for an appeal of right is jurisdictional. See MCR 7.203(A). The provisions of MCR 1.108 regarding computation of time apply. For purposes of subrules (A)(1) and (A)(2), "entry" means the date a judgment or order is signed, or the date that data entry of the judgment or order is accomplished in the issuing tribunal's register of actions.
  - (1) An appeal of right in a civil action must be taken within

(a)-(b) [Unchanged.]

- (c) 14 days after entry of an order of the family division of the circuit court terminating parental rights <u>under the Juvenile Code</u>, or entry of an order denying a motion for new trial, rehearing, reconsideration, or other postjudgment relief from an order terminating parental rights, if the motion was filed within the initial 14-day appeal period or within further time the trial court may have allowed during that period; or
- (d) [Unchanged.]

(2)-(3) [Unchanged.]

## (B)-(H)[Unchanged.]

Staff Comment: The amendment of MCR 7.204(A)(1)(c) clarifies that the 14-day time limit for seeking an appeal from an order terminating parental rights or entry of an order denying postjudgment relief from an order terminating parental rights is limited to appeals from orders entered under the Juvenile Code. This limitation is consistent with MCL 710.65, which provides a 21-day limit for appeals from orders entered under the Adoption Code.

The staff comment is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2004

Mya 3. Mya Clerk